

REMARKS

1. Claim amendments

Claims 12-23 have been canceled because they are directed to nonelected subject matter. The Applicants reserve the right to pursue the subject matter of these claims in a subsequent continuation or divisional applications.

Claims 1, 4, 5, 8, 10, and 11 have been amended to improve the clarity of the claims and remedy any deficiencies in antecedent basis. The amendments are not intended to introduce new subject matter into the application. The amendments are supported by the text of the originally filed claims.

Claim 1 has also been amended to recite features previously recited in claims 4, 6, and 9, which have now been canceled. Accordingly, claims 5, 7, 10, and 11 has been amended to be dependent from claims that are still pending.

2. Claim objections

The Office has objected to claims 2-11 under 37 CFR § 1.75(c). According to the Office Action, the claims are in improper dependent form. Amendments to claims 1, 4-6, 8, 10, and 11 remedy any improper dependency. Therefore, the applicants respectfully request that the Examiner reconsider and withdraw this objection.

3. Anticipation rejections

a. Roberts does not anticipate the amended claims.

The Office has rejected claims 1-11 under 35 USC § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2003/0143124 of Roberts, *et al.* (hereinafter, "Roberts"). The Applicants respectfully traverse.

To anticipate the claimed invention, the prior art reference must expressly or inherently disclose each and every element of the claimed invention. As amended, claim 1 of the instant application recites the feature of a sealing element comprising a well having a perforable bottom surface. Roberts discloses no seal plate having well-like sealing elements with perforable bottom surfaces. Therefore, Roberts cannot anticipate claim 1 of the instant application. Because claims 2, 3, and 5-11 depend from claim 1, they are not anticipated by Roberts.

The applicants additionally note that Roberts has an effective priority date of January 31, 2002. The instant application claims priority to U.S. Provisional Application No. 60/274,262, filed March 8, 2001. Because Roberts does not anticipate claim 1 of the instant application, the Applicants need not address and have elected not to address whether Roberts qualifies as prior art under 102(e). The Applicants make no implied admission regarding whether Roberts is prior art to the instant application. Thus, the Applicants preserve the right to challenge at a later time whether Roberts indeed qualifies as prior art under 35 USC § 102.

b. Berray does not anticipate the amended claims.

The Office has rejected claims 1-11 under 35 USC § 102(b) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0187077 of Berray, *et al.* (hereinafter, “Berray”). The Applicants respectfully traverse.

As amended, claim 1 of the instant application recites sealing elements wherein each sealing element comprises a well. Berray discloses no sealing elements comprising wells. Because Berray fails to disclose sealing elements where each sealing element comprises a well, Berray cannot anticipate claim 1 of the instant application. Accordingly, neither does Berray anticipate dependent claims 2, 3, and 5-11.

The applicants note that Berray was published December 12, 2002. Under 35 USC § 102(b), Berray could become prior art against the instant application no earlier than December 13, 2003. The instant application claims priority to U.S. Provisional Application No. 60/274,262, filed March 8, 2001. Because Berray does not anticipate claim 1 of the instant application, the Applicants have elected not to address whether Berray qualifies as prior art under 102(b). The Applicants make no implied admission regarding whether Berray is prior art to the instant application. Thus, the Applicants preserve the right to challenge at a later time whether Berray indeed qualifies as prior art under 35 USC § 102.

c. Baum does not anticipate the amended claims.

The Office has rejected claims 1-11 under 35 USC 102(e) as allegedly being anticipated by U.S. Patent No. 6,872,535 of Baum, *et al.* (hereinafter, “Baum”). The applicants respectfully traverse.

As amended, claim 1 of the instant application recites sealing elements wherein each sealing element comprises a well. Baum discloses no sealing elements comprising wells.

Instead, Baum discloses an “end cap” having a “plug-in-socket type of sealing mechanism.” (Baum, col. 17, l. 23-25; Figs. 21-22). Because Baum fails to disclose sealing elements where each sealing element comprises a well, Baum cannot anticipate claim 1 of the instant application. Accordingly, neither does Baum anticipate dependent claims 2, 3, and 5-11.

d. Shanler does not anticipate the amended claims.

The Office has rejected claims 1-22 under 35 USC § 102(e) as allegedly being anticipated by U.S. Patent No. 6,827,905 of Shanler (hereinafter, “Shanler”). The Applicants respectfully traverse.

As amended, claim 1 of the instant application recites the feature of a sealing element comprising a well having a perforable bottom surface. Shanler discloses no seal plate having well-like sealing elements with perforable bottom surfaces. Therefore, Shanler cannot anticipate claim 1 of the instant application. Because claims 2, 3, and 5-11 depend from claim 1, they are not anticipated by Shanler.

The Applicants additionally point out that Shanler has an effective priority date of January 14, 2002. The instant application claims priority to U.S. Provisional Application No. 60/274,262, filed March 8, 2001. Because Shanler does not anticipate claim 1 of the instant application, the Applicants need not address and do not to address whether Shanler qualifies as prior art under 102(e). By responding to the merits of the Office’s rejection, the Applicants make no implied admission regarding whether Shanler is prior art to the instant application. Thus, the Applicants preserve the right to challenge at a later time whether Roberts indeed qualifies as prior art under 35 USC § 102.

e. Conclusion

For these reasons, neither Roberts, Berray, Baum, nor Shanler anticipate claim 1 of the instant application. Therefore, the Applicants respectfully request that the Examiner reconsider and withdraw these four anticipation rejections.

The Applicants believe that the foregoing amendments and remarks fully address all concerns expressed by the Office regarding the instant application and that the claims, as amended, stand in a condition of allowance. The Applicants, therefore, request that the Examiner issue a Notice of Allowance for the instant application without undue delay

If the Examiner has any questions or comments regarding this Response, she is encouraged to contact the undersigned as indicated below.

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Respectfully submitted,

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